



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

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Name of Individual Certifying this Document/Proposed Document

ADMINISTRATOR, DIVISION OF COMMUNITY CORRECTIONS

Title


[Handwritten Signature]

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Community Corrections DOC-1356 (Rev. 12/2009) Administrative Directive # 15-10 Replaces # 07-12</p>	EFFECTIVE DATE 03/01/2015	PAGE NUMBER 1 of 7
	MANUAL REFERENCE ECRM	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision
	ORIGINATED BY ADMINISTRATOR'S OFFICE Denise Symdon <i>Denise Symdon</i>	
DISSEMINATION <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only		PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post
SUBJECT: Direct Supervision Escort of Sexually Violent Persons		

Policy Statement:

Effective July 1, 2007, when a court orders supervised release of a person who has been determined to be a Sexually Violent Person (SVP) under Chapter 980, the court must restrict the SVP to his or her "home" for the first year of supervised release. The SVP may only leave the home for purposes of employment or volunteering, religious activity, education, treatment, exercise, supervision, residence maintenance, or for caring for the SVP's basic living needs. While away from home for any of these approved outings, the SVP must be under the "direct supervision of a DOC escort".

"Direct supervision" means continuous, unimpeded sight, sound and physical access, such that the "Direct Supervision Escort" (DSE) can always see the SVP, hear the SVP and, if necessary, physically contact the SVP, without first going through any barrier. Unless the SVP is in secure custody, the only exceptions to the direct supervision requirement which will be permitted are those required by confidentiality and patient rights laws. Accordingly, direct supervision is not required during:

- SVP's communication with attorney;
- SVP's communication with religious counselor;
- SVP's communication with physician or other medical provider;
- SVP's participation in medical examination, health care emergencies including emergency transports or other procedures.
- SVP's participation in sex offender treatment or other mental health treatment or related testing;
- SVP'S participation in polygraph examination and polygraph interview;
- SVP'S placement inside a secure facility such as a jail or SRSTC;
- SVP's use of restroom facilities;
- Other exceptions ordered by the committing court.

The DSE may be a DOC employee or the employee of a contractor. When engaged in direct supervision, the DSE shall follow the procedures outlined in the Department of Corrections' *"Direct Supervision Escort Policies and Procedures"*.

All DOC personnel involved in supervising an SVP should review the *"Direct Supervision Escort Policies and Procedures"* to be aware of the procedures for planning, scheduling and coordinating outings for persons on supervised release.

Reference: Wisconsin State Statute 980.08

Definitions, Acronyms:

TERM	DEFINITION
Basic Living Needs	Activities required for obtaining basic necessities of everyday life: food, clothing and shelter, and activities necessary to sustain them at a humane (not cruel or unhygienic) level. This includes medical and psychological treatment necessary to maintain health, ameliorate pain or diagnose and treat a condition which affects daily life.
Case Manager	The Case Manager is responsible for developing individual service plans including developing and coordinating all services, scheduling approved community activities with approved supervision services and for coordinating regular community team meetings. DHS contracts with a private vendor for case management services.
Community Treatment Team	A primary community team comprised of the Supervised Release Specialist, Probation and Parole Agent and Case Manager. When appropriate, the Sex Offender Treatment Provider is included.
Contractor	An agency with which the department has a signed contract to provide Direct Supervision Escort services on behalf of the Department of Corrections.
Department/DOC	Department of Corrections
DHS	Department of Health Services
Direct Supervision	"Direct supervision" means continuous, unimpeded sight, sound and physical access, such that the DSE can always see the SVP, hear the SVP and, if necessary, physically contact the SVP, without first going through any barrier.
Direct Supervision Escort (DSE)	The person assigned to escort and to directly supervise the SVP during approved outings. The DSE may be a DOC employee or the employee of a contractor.
Electronic Monitoring Program (EMP)	A program using radio frequency equipment and telephones to determine when a monitored subject is within a certain distance from a fixed-position monitoring unit.
Employment, Purposes of	Activities related to seeking and maintaining a position in which the SVP is paid for services rendered to an employer; or to engage in an occupation, profession, trade or business for which the SVP received monetary compensation.
Global Positioning Satellite (GPS) Monitoring Program	A program using satellite- and cellular-based technology to track the location and movement of a monitored subject.
Home	<p>The dwelling place where an SVP resides, pursuant to a Supervised Release Plan approved by the court.</p> <p>If the SVP resides in a multi-unit apartment building, the SVP's "home" is limited to the specific apartment leased or rented by, or on behalf of, the SVP.</p> <p>If the SVP shares living space with others, the "home" includes the SVP's sleeping area as well as common areas used for dining, food preparation, toileting and personal hygiene, and resident recreation, treatment groups or meetings.</p>
Monitoring Center	The Department of Corrections' Monitoring Center
Religion, Purposes of	Participation in a program or activity with a religious component which refers to a "higher being" and/or to "God as we understand him". (DOC ADMIN DIR 01-10 Kerr v. Farrey)
Sexually Violent Person (SVP)	WI Stat., s.980.01(7): "Sexually violent person" means a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found not guilty or not responsible

	for a sexually violent offense by reason of insanity or mental disease, defect, or illness, and who is dangerous because he or she suffers from a mental disorder that makes it likely that the person will engage in one or more acts of sexual violence.
Supervised Release (SR)	An order for supervised release places the offender in the custody and control of DHS. DHS is responsible to arrange for control, care and treatment of the SVP in the least restrictive manner consistent with the SVP's level of needs/risk and in accordance with the plan for supervised release approved by the court. DHS contracts with DOC for the provision of supervision services for SVPs committed under Chapter 980 and approved for SR by the court.
Supervised Release (SR) Specialist	The SR Specialist oversees the contracts and services provided in the SR Plan. The SR Specialist maintains regular contact regarding the activities and progress on the SVP case with the community team. The SR Specialist will participate in regular community meetings with the community team with the SVP either in person or video conference.
Team	The SR Oversight Team includes the Director and Deputy Director of Sand Ridge Secure Correctional Treatment Facility, Community and Supervised Release (SR) Oversight.

DSE Staff Qualifications

Any Probation and Parole Agent, Corrections Field Supervisor, DOC Correctional Officer, DHS Correctional Officer or SR Specialist may perform Direct Supervision Escort (DSE) duties.

A contracted DSE must be approved by DOC. DOC may disqualify a prospective contracted DSE for cause. A list of approved contracted DSEs shall be maintained by the Contract Vendor and provided to the DOC Sex Offender Programs Director, the DOC Monitoring Center and the SR Supervisor.

Records and Confidentiality

The DSE may not disclose information about an SVP to anyone outside the SR program, other than DOC staff for supervision purposes.

The contractor shall maintain a record of all direct supervision escorted activities. At a minimum of every two months, a written report detailing the SVP's daily supervised activities must be completed and submitted on each SVP provided services. Each SVP Activity Report must be completed to the DOC Director of Sex Offender Programs or designee. The format of the report must be approved by the DOC Director of Sex Offender Programs or designee. Format is subject to change depending on DOC reporting needs.

DHS maintains responsibility as records custodian for all SR cases. Requests for information or access to DSE records shall be directed to the Supervised Release Specialist.

Procedure

1. Referrals

Within three working days of a court's order, the SR Specialist will notify the appropriate DOC Regional Chief or designee that a court has ordered a Supervised Release plan to be prepared. The SR Specialist will advise DOC of the county of release and request an agent assignment. DOC will assign an agent to confer with DHS to develop the plan. The SR Specialist will also notify the DSE contractor of the pending release. The contractor will forward the name of the assigned DSE to DOC.

2. Planning, Scheduling and Coordination

Except in the case of medical or other emergencies, outings must be scheduled at least one week in advance. All outings must be approved by the DCC agent and entered in the DOC EMP/GPS schedule on file in the DOC Monitoring Center. The DCC agent will notify the Case Manager when an outing is approved.

The DOC-2129 Sex Offender Activity Request shall be used to process all requests for approved SVP outings. The requests may be initiated by the Case Manager, SR Specialist or the SVP. The procedures for processing the SVP activities requests are as follows:

- Upon release, the agent shall provide the Case Manager, SR Specialist and SVP with copies of the DOC-2129 and explain the use of the form.
- The DOC-2129 must provide full and accurate details for each requested activity. If the request is initiated by the Case Manager or SR Specialist, the requestor must be identified in the Staffing Team Decision under "Additional Information".
- The DOC-2129 is reviewed/investigated by the agent and then staffed with the Community Treatment Team.
- Pertinent comments, notes and decisions are recorded on the DOC-2129.
- The agent will record the decision and all information, including the time frame of the approved activity and the name of the DSE in COMPAS notes.
- Requests submitted with incomplete, insufficient, or inaccurate information will be denied. Requests which are not submitted in a timely manner will also be denied.
- The DOC-2129 is maintained in the DOC file.

If a DSE Contractor will be used, the Contractor must advise the agent of the name of the DSE and confirm availability. The agent will amend the SVP's EMP/GPS schedules. The agent will notify the Monitoring Center of the assigned DSE's name and cell phone and pager numbers. The Contract Vendor will provide a list of approved DSEs, their cell phone and pager numbers to the Monitoring Center. If a DSE is not available when the SVP is scheduled to leave the home, the activity must be cancelled or delayed until a DSE is available.

The DSE may not alter the approved schedule. The DSE should avoid discussing future schedules with the SVP. Any questions or concerns the SVP may have about a schedule should be directed to the agent.

3. Approved Activities

The SVP may only leave the residence for employment or volunteering purposes, for religious purposes, educational purposes, treatment and exercise purposes, supervision purposes, or residence maintenance or for caring for the person's basic living needs. Examples of appropriate activities include:

Employment or Volunteering

- Registration with, and participation in job search or readiness activities at an employment agency;
- Submitting an Employment Application or attending a job interview;
- Reporting for work in an approved employment position;
- Attending training, if directed by employer;
- Volunteering for a pre-approved activity.

Religion

- Attending worship services at an established religious facility.

Educational

- Attending school or training

Treatment and Exercise

- Attending programming for therapy needs such as sex offender treatment or alcohol and drug treatment
- Activity for physical health needs

Supervision

- Attending appointments with DOC or DHS staff
- Attending appointments for DOC or DHS contracted services such as polygraph or sex offender related assessments

Residence Maintenance

- Maintenance on SVP's property such as lawn mowing, snow shoveling, or physical structure repair.

Basic Living Needs

- Shopping for groceries, clothing and necessary personal items
- Laundry
- Medical treatment, including mental health, physical health and dental
- Obtaining prescription and other necessary medications

The frequency and duration of approved activities will be determined by the DCC agent in consultation with the Community Treatment Team, according to the SVP's case circumstances. The SVP is not entitled to any set minimum or maximum number of outings, unless directed by court order.

4. Direct Supervision Escort (DSE) Duties

Prior to leaving the residence of the SVP for the approved activity, the DSE shall contact the DOC Monitoring Center and confirm that the EMP and GPS schedules are in place for the activity.

The DSE must carry a cell phone, the number which is on file with the DOC Monitoring Center, whenever engaged in all direct supervision.

The DSE must wear a photo ID whenever providing direct supervision.

Except in limited circumstances, the DSE shall maintain direct supervision of the SVP at all times while away from the SVP's home.

If a circumstance arises where direct supervision is not permitted or possible while a SVP is being escorted by a DSE, the DSE must assure that the SVP will not be able to leave the area without detection by the DSE nor have access to potential victims during the time the SVP is without direct supervision. The DSE shall record the circumstances and time the SVP is without direct supervision.

If the DSE will be unable to maintain direct supervision in a circumstance where it is required, the DSE will contact the DOC agent for direction. After regular work hours, the DSE shall contact the SR Supervisor for direction. The DOC agent or SR Supervisor may cancel the outing and order the SVP to return home.

The DSE must adhere to the approved schedule for outings and may not make any unauthorized stops or deviations. While engaged in direct supervision, the DSE may not engage in personal business. While engaged in direct supervision, the DSE may not engage in any activity not permitted by DOC policy.

The DSE must observe the SVP in all situations and interactions. Any unusual events or incidents must be recorded:

- Date and time
- Location
- Description of incident
- Names of witnesses or others involved, if known.

The DSE must carry a copy of the SVP's rules of supervision. Any actions or attempts which may constitute a violation of these rules must be reported as provided in Section 5, Violations and Emergencies.

5. Violations and Emergencies

The DSE shall immediately call 911 if:

- The DSE observes the SVP violating or attempting to violate a criminal law;
- The SVP engages in threatening or dangerous behavior towards the DSE or any other person, or
- The DSE or SVP experiences a medical emergency.

After calling 911, the DSE shall report the incident to the DOC agent and SR Specialist as soon as can be done safely.

Should the DSE observe or have reason to believe the SVP has violated, or attempted to violate, a rule of supervision, the DSE shall report the suspected violation immediately to the DCC agent. If the agent is not available, the DSE shall report the violation to the "cover agent" or Corrections Field Supervisor. After regular work hours, the DSE should report the suspected violation to the SR Supervisor. If necessary, the SR Supervisor may contact the DOC Monitoring Center to request an Apprehension Request and notice to law enforcement be issued.

The DSE is not authorized to restrain the SVP or apprehend an SVP attempting to abscond from direct supervision. The DSE is expected to attempt to maintain visual contact with the SVP if that can be accomplished without endangering the DSE or other members of the public.

The DSE shall provide a written report of the incident to the DOC agent within one (1) day of the incident.

In the case of medical or other emergency which requires the SVP to leave the residence, the SVP must immediately notify the appropriate staff of his/her whereabouts, destination and means of transport. During regular business hours, the SVP should notify the DOC agent. If unable to contact the agent or after regular business hours, the SVP must contact the DHS SR Specialist or SR Supervisor. The agent or SR staff shall instruct the SVP to either remain at or proceed to a designated location. The agent or SR staff shall immediately notify the DOC Monitoring Center of the issue and whether or not an Apprehension Request and notice to law enforcement should be issued (or cancelled). If an Apprehension Request is not issued and the SVP is not immediately returning to the residence, the agent or SR staff must arrange for a DSE to be dispatched to supervise the SVP. The DSE shall notify the Monitoring Center upon making contact with the SVP. The Monitoring Center will note the time when Direct Supervision is in place.

If the emergency requires the SVP to be hospitalized or prevents the SVP from returning to the approved residence, the SR specialist will arrange to have the SVP transported to a secure hospital or to Sand Ridge Secure Treatment Facility.

6. Dispute Resolution

This section refers to the process by which the Community Treatment Team may resolve disagreements related to direct supervision requirements. Complaints or disputes by the SVP should be resolved pursuant to the DHS Client Complaint Procedure.

The DOC reserves final authority to approve an escorted outing and schedule. The DSE Contractor has the exclusive right to designate the DOC-approved DSE for a particular outing. The DHS maintains exclusive authority to approve or disapprove a provider of medical or other treatment, religious purpose or other basic living need. Other decisions should reflect the consensus of the Community Treatment Team.

If a member objects to a decision reserved to another team member, the team shall meet and attempt to resolve the disagreement. If the team is unable to reach consensus, the issue may be referred to the next administrative level, as provided in the DHS Supervised Release Manual. Unless and until the issue is changed, the initial decision of the team member will remain. The only exception to this policy is when there is a plausible and immediate concern for public safety. If a team member disputes another's decision based on this exception, the more restrictive position will prevail until the issue is resolved.

Distribution List (Other than Noted Dissemination):

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